

May 2, 2005

Supreme Court Clerk
PO Box 30052
Lansing, MI 48909

RE: ADM file no. 2003-04, Proposed Amendment for MCR 7.205

Dear Clerk:

I absolutely disagree with the proposed amendment of this rule. I view it as not another attempt to be cost-effective and time-effective, but a further method of denying a defendant his or her fair and amiable opportunity to timely frame an application and a thorough brief if needed. In the Court of Appeals significant detail and arduous labor is required and a pro per indigent defendant can not possibly obtain his court records/transcripts, research, write and file his pleadings in less than six months and still retain an expectation that the Court will grant substantive relief.

This rule, if approved, would prohibit **many** prisoner-defendants from exercising their appealable remedies either because they are indigent and can not afford representation **or** they have been denied appointment of counsel; mostly due to our Supreme Court stands that certain defendants are not entitled to appointment of counsel. Further, this rule is impracticable at least and unfair at most because many appellant-defendant can not even obtain their lower court transcripts/court records without first reimbursing the court for providing copies. Many lower courts are now requiring payment from pro se defendant for copies of their pleadings. (Example: see case no. mark harsh) Not to mention that a newly committed prisoner will be transferred at least two times in their first year of incarceration to different correctional institutions. It would be nearly impossible to research and file a pleading, without professional counsel, if this rule is amended.

And finally, an indigent appellant has also the pressure of timely satisfying the 56 day rule after the Court of Appeals denies leave. An unrepresented, indigent and novice appellant to the law and its procedures will be left out in the wind without parachute if this rule is amended.

I ask that this rule be not amended.

Respectfully,


John Halcomb #191295
Kinross Corr Fac.

